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DEPARTMENT FOR WHA/PPC, G (ACBLANK), G/TIP

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SUBJECT: DOMINICAN REPUBLIC INTERIM TIP ASSESSMENT

REF: STATE 148925

¶1. As requested refel, following is a summary of Dominican progress toward rectifying key deficiencies identified in the June 2007 TIP report.

¶2. Increasing efforts to investigate, prosecute, convict and sentence trafficking offenders, including public officials allegedly complicit in trafficking

Year to date statistics show 16 active investigations, 3 prosecutions (at least 1 continued from 2006), and 0 convictions (no case has yet reached its final disposition) under anti-trafficking law 137-03. Other investigations are taking place under other laws, including a new law criminalizing the electronic distribution of child pornography, but no arrests have been made. Currently, no government officials (law enforcement, military, or civilian) are under investigation or indictment for engaging in or facilitating trafficking. In this regard and more generally, officials point to the closed nature of certain ethnic communities as a hindrance to effective investigation.

It has been suggested by Dominican interlocutors that cultural acceptance of trafficking causes underreporting by victims (who tend not to see themselves as such), resulting in fewer complaints to investigate.

In September, the Directorate of Migration (Immigration) announced that roughly 400 employees had been terminated over the previous 3 years following a generalized suspicion of illegal activity. The Embassy understands that information leading to these dismissals related more to alien smuggling and probably did not satisfy the burden of proof for criminal prosecution.

¶3. Improving efforts to gather law enforcement data on trafficking cases throughout the country

Electronic case tracking systems are increasingly being deployed throughout the provinces to improve law enforcement performance in all areas, including anti-trafficking.

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In July, the Dominican government, in combination with the Ricky Martin Foundation, the Inter-American Development Bank, and the International Organization for Migration (IOM), launched a publicity campaign for the Attorney General's anti-trafficking hotline. The hotline, in existence since 2005, is a Spanish-language resource for information on prevention, as well as a mechanism for gathering tips and

formal accusations.

14. Dedicating more government resources for the protection of trafficking victims, particularly shelter services

The Dominican government has not yet dedicated increased resources for the specific protection of trafficking victims; like many countries in the region it suffers from severe resource constraints across the entire range governmental and social services. This situation will undoubtedly worsen in the aftermath of Tropical Storm Noel, whose extended rains caused serve flooding resulting in estimated reconstruction costs of several billion dollars. Notwithstanding the bleak budget environment, the government has concluded that a single-use shelter for trafficking victims would be useful. The government has also begun releasing foreign-national trafficking victims into the custody of the IOM, which provides them with temporary shelter and arranges psycho-social services. The government no longer places undocumented foreign-national victims in custody (other than for a brief initial period) prior to the victims' ultimate deportation. The important step is one that the Embassy and IOM have strongly advocated. This partnership will address a major weakness in the current system, which is the inability of government prosecutors to obtain actionable witness statements.

The government has increased the number of general purpose shelters available to female victims of violence. It is not clear to what extent these shelters are utilized by Dominican trafficking victims. In the absence of a dedicated shelter, the government has begun to refer some Dominican trafficking victims to Dominican NGOs for psycho-social services.

15. Developing clear, formal, and proactive procedures for identifying trafficking victims among vulnerable populations, such as persons detained for immigration or prostitution violations.

Basic training is provided to immigration officials on identifying trafficking victims at ports of entry. Likewise, training emphasizing prevention and assistance is provided to Dominican consuls that will be stationed abroad. Training on identifying trafficking victims is not included in the curriculum of the National Police, though training is in the planning stages for police units working in border areas. Training has not been provided to CESFRONT, the new quasi-military border patrol operating fixed checkpoints on the Haitian border, nor has it been provided to any other Dominican military unit engaged in checkpoint operations.

A recent presidential mandate has formalized and expanded an ad hoc interagency working group with the goal of developing a clear, formal, and coordinated national strategy to combat trafficking, part of which will include improved mechanisms for victim identification and training strategies. The group will meet for the second time in late November.

16. Other significant developments

In April, the Dominican legislature passed legislation criminalizing the electronic dissemination, sale, and/or purchase of child pornography.

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